



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning & Development
D. M. Sugimura, Director

CITY OF SEATTLE ANALYSIS AND DECISION OF THE DIRECTOR OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT

Application Number: 2001992
Applicant Name: Tyler Goodmanson
Address of Proposal: 4509 Palatine Avenue N

SUMMARY OF PROPOSED ACTION

Master Use Permit to establish use for the future construction of a three (3) unit townhouse in an environmentally critical area. The project includes the demolition of the existing duplex structure. The applicant proposes to unit subdivide the townhouses at a future date.

The following Master Use Permit components are required:

SEPA - Environmental Determination - (SMC Chapter 25.05)

SEPA DETERMINATION: ☐ Exempt ☐ DNS ☐ EIS
 ☒ DNS with conditions
 ☐ DNS involving non-exempt grading or demolition
 or involving another agency with jurisdiction.

BACKGROUND DATA

Site Location and Description

The subject parcel, located in the North Fremont neighborhood, is approximately 3,600 square feet in area. The lot is located on the west side of Palatine Avenue N where it “dead-ends” at N 45th Street south of N Market Street. The property is located on the steep western hillside of Phinney Ridge. The section of the site that qualifies as a steep slope extends in from the west property boundary six (6) feet on the northwest corner of the site to twelve (12) feet in the southwest corner of the site. The slope has a gradient greater than forty (40%) percent over a horizontal distance of approximately ten (10) feet. The remainder of the site has an average slope of approximately eighteen (18) percent. The property has frontage on Palatine Avenue North and the east to west alley to the north. Zoning on the subject site is Lowrise 3 (L-3). Currently, the site is developed with a duplex. Vehicular access to the new townhouses will be to the rear of the property from the east-west alley that borders the parcel to the north.

Area Development

Development on the surrounding properties is a mix of smaller duplex and triplex buildings and larger multi-family residential buildings. The zoning of all properties surrounding this site is Lowrise 3 (L-3).

Proposal

The applicant proposes to construct a three-story, 6,605 (including garage) square foot three unit townhouse in an environmentally sensitive area. Vehicular access to the new townhouses will be from the alley. The principal pedestrian access will be from Palatine Avenue N.

Public Comment

One comment letter was received during the extended public comment period that ended on February 7, 2001. Concern was expressed regarding the proposed height of the townhouses, protection of view corridors and the impacts of this project on this "already densely built" environmentally critical area.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated January 1, 2001. The information in the checklist and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665 D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states, in part: "Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation," subject to some limitations. Under such limitations/circumstances (SMC 25.05.665 D1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

Short-Term Construction Related Impacts

The short-term, construction related impacts anticipated from the proposal are as summarized in the following table:

Environmental Element	Discussion of Impact
1. Earth	<ul style="list-style-type: none">• The site contains steep slopes of forty (40) percent. Construction activities adjacent to the slope can cause possible erosion impacts to the properties downhill to the west.

These impacts are limited in scope and are temporary in nature. Pursuant to SMC 25.05.794, they are not significant; however, further discussion is warranted.

Earth

The site contains a steep slope along the western property boundary. City codes require erosion control in steep slopes through various methods such as: notification to the developer and builder that construction erosion control measures must be in place and approved by DPD prior to any earth disturbance, the use of a highly visible construction fence at the boundary between the construction activity area and areas of the steep west slope to assure construction activity does not intrude into the steep slope area, and notification to the developer and builder that all grading must be stabilized by October 31st and no excavation is to be performed between October 31st and April 1st (SMC 25.09.060.C.11).

Otherwise, the Stormwater, Grading and Drainage Control Code and the ECA Ordinance provide for extensive review and conditioning of the project prior to issuance of building permits, therefore no conditioning is warranted pursuant to SEPA policies.

Long Term Impacts

Environmental Element	Discussion of Impact
1. Earth	<ul style="list-style-type: none">• The site contains steep slopes of forty (40) percent and is part of a larger steep slope with slopes of less than forty (40) percent. Improper grading and inadequate landscape coverage can cause erosion impacts to the properties downhill to the west.
2. Drainage	<ul style="list-style-type: none">• Increased surface water runoff due to greater site coverage by impervious surfaces.

Earth

The subject site, developed with an existing duplex, is designated as an Environmentally Critical Area (ECA) due to the presence of the steep slopes that form the west property boundary between this property and the property to the west. On July 19, 2001, the applicant received an ECA limited exemption #2105086, to allow the project to exceed the 30% maximum coverage limitation that is imposed by section 25.09.180A3a of the ECA Ordinance. This exemption was approved based on a submitted geotechnical report by Geotech consultants, dated July 2, 2001, and the fact that the steep slopes are less than 20 feet in height and not part of a larger steep slope system. ECA review is still required and a condition of approval was added to the exemption requiring the applicant to replace the marginally stable rockery on the east portion of the site with a retaining wall system. This requirement will be added to this document as a condition of the SEPA approval.

The proposed construction will involve approximately 100 cubic yards of excavating for the foundation and garage areas of the townhouses. These construction plans will be reviewed by the DPD Geotechnical Engineer and Building Plans Examiner who will require additional soils-related information, recommendations, declarations, covenants and bonds as necessary to show conformance with the ECA Ordinance prior to issuance of the Master Use Permit.

Otherwise, City Codes and Regulations provide for adequate mitigation of any anticipated erosion impacts. Therefore, no conditioning is warranted pursuant to SEPA policies.

Drainage

The proposed development is expected to have extensive impervious surface lot coverage from the dwelling units and the access driveway to the west. However, the ECA Ordinance and the Stormwater, Grading and Drainage Control Code provide for extensive review and adequate conditioning of the project prior to issuance of building permits. Therefore, no conditioning for storm water impacts is warranted pursuant to SEPA.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

[X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030.(2)(C).

[] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

CONDITIONS - SEPA (NON-APPEALABLE)

At time of Building Permit Application

1. As required by the approved ECA limited exemption (DPD application #2105086) which was based on a geotechnical report written by Geotech Consultants, Inc., dated July 2, 2001, the plans submitted at time of building permit shall include a retaining wall system to replace the existing marginally stable rockery on the east portion of the site.

Signature: (signature on file) Date: February 5, 2004
Lori Swallow, Land Use Planner
Department of Planning and Development